

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAMELA ERWIN,

Petitioner,

Case No. 2:23-cv-00697-ART-NJK

ORDER

v.

WILLIAM REUBART, *et al.*,

Respondents.

In this habeas corpus action, Respondents filed a motion to dismiss on April 16, 2025. (ECF No. 38.) Erwin was to file a response to the motion to dismiss by June 16, 2025. (See ECF No. 12 (60 days for response to motion to dismiss).) On June 13, Erwin filed a motion for extension of time, requesting a 45-day extension, to July 31. (ECF No. 42.) On July 21, Erwin filed a response to the motion to dismiss. (ECF No. 43.) Erwin's counsel states that the extension was necessary because of their obligations in other cases, and that Respondents did not oppose the motion. The Court finds that Erwin's motion for extension of time was made in good faith and not solely for the purpose of delay, and that there was good cause for the extension. The Court will grant Erwin's motion and treat Erwin's response to the motion to dismiss as timely filed. Respondents' reply is due August 20, 2025. (See ECF No. 12 (30 days for reply in support of motion to dismiss).)

On April 16, 2025, Respondents filed a motion requesting leave of court to file an exhibit—their Exhibit 10 (ECF No. 39-1), a presentence investigation report—under seal. (ECF No. 38.) While there is a strong presumption in favor of public access to judicial filings, and while courts prefer that the public retain access to them, *see Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597

1 (1978), a court may seal its records if a party demonstrates “compelling reasons”
2 to do so. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th
3 Cir. 2006). “Compelling reasons” exist where the records could be used for
4 improper purposes. *Kamakana*, 447 F.3d at 1179 (citing *Nixon*, 435 U.S. at 598).
5 Under Nevada law, presentence investigation reports are confidential, and are
6 not to be made part of a public record. *See NRS 176.156(5)*. The presentence
7 investigation report filed by Respondents contains information that could be
8 used for improper purposes. In view of the state law and considering the nature
9 of the information in the presentence investigation report, the Court finds that
10 there are compelling reasons for the exhibit in question to be filed under seal.
11 The Court will grant Respondents’ motion.

12 It is therefore ordered that Petitioner’s motion for extension of time (ECF
13 No. 42) is granted. Petitioner’s Opposition to Motion to Dismiss (ECF No. 43) will
14 be treated as timely filed. In all other respects, the schedule for further
15 proceedings set forth in the scheduling order entered December 1, 2023 (ECF
16 No. 12) will remain in effect. Respondents’ reply in support of the motion to
17 dismiss is due August 20, 2025.

18 It is further ordered that Respondents’ Motion for Leave to File Exhibit
19 Under Seal (ECF No. 38) is granted. Respondents are granted leave of court to
20 file their Exhibit 10 under seal. As that exhibit has already been filed under seal
21 (ECF No. 39-1), no further action is necessary in this regard.

22 DATED THIS 22nd day of July, 2025.

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ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE